

From: chris berger
To: Microsoft ATR
Date: 1/13/02 7:20pm
Subject: MICROSOFT SETTLEMENT

HONORABLE JUDGE AND AG OF CALIFORNIA;

AS A LONG-TIME MEMBER OF THE AMERICAN SOFTWARE INDUSTRY, I AM VERY CONCERNED ABOUT THE PROPOSED SETTLEMENT BETWEEN THE US GOVT AND MICROSOFT.

IT APPEARS TO ME THAT THE PROPOSED SETTLEMENT HAS A NUMBER OF SIGNIFICANT WEAKNESSES - NOT THE LEAST OF WHICH IS THAT MICROSOFT IS REALLY NOT PUNISHED IN ANY SIGNIFICANT WAY FOR PAST ABUSES. MAYBE EVEN WORSE - UNDER THE PROPOSAL IT APPEARS THAT WE IN THE INDUSTRY - ESPECIALLY US SMALLER PLAYERS - WILL HAVE TO RELY ON MS EVEN MORE...AND THAT IS TRULY FRIGHTENING.

I RUN A SMALL SOFTWARE COMPANY BASED HERE IN THE BAY AREA. BUT NOT ONLY IS THE PROPOSED DEAL FRIGHTENING TO COMPANIES LIKE MINE, I BELIEVE IT RAISES SERIOUS ISSUES FOR THE ENTIRE AMERICAN SOFTWARE INDUSTRY...AND OUR NATION'S ECONOMY AS WELL.

I HOPE THAT YOU WILL TAKE SERIOUSLY YOUR RESPONSIBILITY TO EXAMINE THE PROPOSED AGREEMENT AND FIND IF IT IS TRULY IN THE 'BEST INTERESTS' OF CONSUMERS. IT'S HARD TO SEE HOW HAVING ONE MONOPOLISTIC PROVIDER OF THE LARGE MAJORITY OF CONSUMER SOFTWARE IS IN OUR COUNTRY'S BEST INTERESTS. AND AS MS HAS CLEARLY AND REPEATEDLY SHOWN - IF THEY OWN 95% OF THE MARKET FOR THE OS - THEY'RE GOING TO TAKE ADVANTAGE OF THAT TIME AND TIME AGAIN.

I HOPE THAT YOU WILL STAND UP TO MICROSOFT.

THANK YOU.

CHRIS BERGER

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